

UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF
TENNESSEE AT CHATTANOOGA

**MOTION TO CONTINUE AND FOR
NEW SCHEDULING ORDER**

Comes now the Defendant, by and through counsel and moves this Honorable Court to continue the trial of this matter and resetting the scheduling order in this matter, including setting a new plea deadline. As grounds therefore it would be stated that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7) for the following reasons.

Counsel for the defendant has been in contact with the Assistant United States Attorney handling this case, Terra Bay and has discussed this matter with her. In conjunction with those conversations and pursuant to the court's order, Ms. Bay provided discovery in this matter and is a voluminous. There are large volumes of investigative reports from the relevant agencies as well as Pin registers and line sheets referencing thousands of telephone calls. Counsel for the defendant has been

sorting through all of discovery evaluating his client's potential exposure and is making sure that his client understands and has had the opportunity to question the discovery. Counsel needs more time to complete this process due to the voluminous discovery in the case.

Additionally, counsel for the defendant has been speaking speaking with Ms. Bay concerning possible resolutions of this matter. Plea negotiations are taking place and a plea agreement has been promised by Ms. Bay but has not yet been provided to counsel for the defendant to share with his client. Furthermore, should the plea agreement be provided in the time frame December 5, 2017 through December 8, 2017 it would be virtually impossible for counsel to speak with the defendant about it due to a murder trial he is involved in, State of Tennessee v. Rhasean Lowery pending in the Criminal Court for Hamilton County, Tennessee. For all of these reasons, and because, pursuant to 18 U.S.C. § 3161(h)(7), the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial, counsel for the defendant would request continuance of this matter.

Counsel for the defendant is authorized to state that this motion for continuance and for new scheduling order is unopposed by AUSA Terra Bay.

Respectfully submitted,

LUTHER-ANDERSON, PLLP

S/ Daniel J. Ripper

DANIEL J. R.

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CERTIFICATE OF SERVICE

I hereby certify that on a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Clerk's electronic filing system.

This 5th day of December, 2017.

LUTHER - ANDERSON, PLLP

BY: s/Daniel J. Ripper

